

REMARKS

By the above amendment, the claims have been amended to recite the feature which was inherently recited of simultaneously display of defect candidate distribution data in a wafer map format and an enlarged image of a defect candidate on the display screen as "wherein said processing means simultaneously displays defect candidate distribution data in a wafer map format on the display screen and an enlarged actual image of a defect candidate on the display screen", while further reciting that actual image of a pattern and an actual image of a defect candidate is detected and outputted.

As described in connection with Figure 8 of the drawings of this application, for example, the display screen includes a map display portion 55 and an image display portion 56, wherein symbols of defect candidates are displayed representative of location in a map format in the map display portion 55, and by locating the current location symbol 59 over one of the defect symbols, an enlarged actual image of that defect, as represented by the symbol in the map display portion 55, is simultaneously displayed as an actual image of such defect in the image display portion 56. Applicants submit that such features have been inherently set forth in the claims, and since the Examiner has not given proper consideration of the prior claim language, by the present amendment, such language has been clarified, in particular, in relation to the simultaneous display of the defect candidate distribution data in a wafer map format on the display screen and the enlarged image of a defect candidate on the display screen, which is an actual enlarged image of the defect candidate, on the same display screen. Each of the independent claims have been amended to recite such features with corresponding language being utilized in the dependent claims, where appropriate.

As to the rejection of claims 1 - 2, 4 - 9, 11 - 19 and 21 - 22 under 35 USC 102(b) as being anticipated by US Patent No. 6,097,887 issued to Hardikar et al and the rejection of claim 10 under 35 USC 103(a) as being unpatentable over Hardikar et al further in view of US Patent No. 5,761,064 issued to La et al; such rejections are traversed insofar as they are applicable to the present claims and reconsideration and withdrawal of the rejections are respectfully requested.

Turning to Hardikar et al, the Examiner contends in paragraph 8 at page 3 of the office action that "Hardikar et al disclose the processing means simultaneously displays defect candidate distribution data in a wafer map format and an enlarged image of a defect candidate on the display screen (see col. 6, lines 8-28)". (emphasis added). Looking to column 6, lines 8 - 28 of Hardikar et al, there is described that a production wafer map 410 is displayed in display window 400 as shown in Fig. 4(a). Assuming, arguendo, that each of the illustrated dots represents a defect in a location and whether or not such dots are color coded to represent particular defects, there is then described that the actual production map can then be compared to another actual or ideal production map from a wafer map gallery 690 as illustrated in Fig. 6(d) to filter out all patterns except for defects. Thereafter, the filtered result is illustrated in Fig. 4(b), so that only a map 460 of the defects remain, as described in column 6, lines 29 - 36 of Hardikar et al. Thus, it is readily apparent that Hardikar et al does not disclose the recited features as set forth in independent claim 1 of "wherein said processing means simultaneously displays defect candidate distribution data in a wafer map format on the display screen and an enlarged actual image of a defect candidate on the display screen" as represented by the side-by-side display of the recited features in the map display portion 55 and the image display portion 56 of the display screen as illustrated in Figure 8 of the drawings of

this application. It is noted that claim 8, for example, specifically recites the side-by-side relationship in the recitation of "a display unit which simultaneously displays data process by the processing unit including defect candidate distribution data in a wafer map formed on a display screen and an enlarged actual image of a defect candidate side-by-side on the display screen." As required by the decision of In re Robertson, 49 USPQ 2d 1949 (Fed. Cir. 1999), for anticipation under 35 USC §102 "each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." It is noted that other independent claims 8 and 17 recite the aforementioned features which are not disclosed in the sense of 35 USC 102 or 35 USC 103 by Hardikar et al, such that applicants submit that all claims patentably distinguish thereover and should be considered allowable at this time.

As to the addition of La et al to Hardikar et al with regard to dependent claim 10, the Examiner contends that La et al teach the desirability of correlating optical imaging and secondary electron imaging and it would be obvious to combine La et al with Hardikar et al. Irrespective of this position by the Examiner, applicants submit that La et al does not overcome the deficiencies of Hardikar et al as pointed out above, such that the combination fails to overcome the deficiencies as noted above such that claim 10 and its parent claim 8 patentably distinguish over this proposed combination of references in the sense of 35 USC 103 and such claims should be considered allowable thereover.

With regard to the dependent claims of this application, applicants submit that such dependent claims recite further features not disclosed by Hardikar et al and/or La et al taken alone or in any combination thereof and such claims further patentably

distinguish over the cited art in the sense of 35 USC 102 and 35 USC 103 and should be considered allowable thereover.

In view of the above amendments and remarks, applicants submit that all claims present in this application patentably distinguish over the cited art and should now be in condition for allowance. Accordingly, issuance of an action of a favorable nature is courteously solicited.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 501.41125CX1), and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Melvin Kraus
Registration No. 22,466

MK/jla
(703) 312-6600